

TOBINICK 3.0-007 (CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: :
DR. EDWARD L. TOBINICK, et al :
Serial No. : Group Art Unit
Filed: : Examiner
For: TUMOR NECROSIS FACTOR : March 23, 1999
ANTAGONISTS FOR THE :
TREATMENT OF NEUROLOGICAL :
DISORDERS :

Assistant Commissioner for Patents
Washington, D.C 20231

PETITION TO MAKE SPECIAL
(MPEP Section 708.02)

Sir:

Applicant hereby files this Petition to make special this application for purposes of examination and payment of the issue fee, on the grounds of a pre-examination search. Applicant also submits the petition fee.

The application presents claims directed to a single invention. In case the Examiner believes that there is more than one invention, applicant hereby elects without traverse Claims 27 to 47.

SEARCH AREAS

A pre-examination search was made of the records of the U.S. Patent Office by applicant's attorney, Ezra Sutton. The field of search included Class 424, Subclasses 85.1, 133.1, 134.1, 143.1,



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144.1, 145.1, and 158.1; Class 435, Subclasses 69.1, 69.7, 172.3, and 240.27; and Class 530, Subclasses 350, 351, 387.1, 387.3, 388.2, 388.23, 388.4, 866, and 868. Also, a computer search was performed using the terms TNF and tumor necrosis factor.

INVENTION SEARCHED

A method for inhibiting the action of TNF for treating neurological conditions in a human by administering a TNF antagonist for reducing damage to neuronal tissue or for modulating the immune response affecting neuronal tissue of the human. The TNF antagonist administered is selected from the group consisting of etanercept and infliximab. The TNF antagonist is administered subcutaneously, intravenously, intrathecally, or intramuscularly.

Methotrexate or Leflunomide may be administered concurrently with the TNF antagonist for demyelinating diseases and certain other neurological disorders.

PATENTS SELECTED IN SEARCH

U.S. Patent Nos.: 5,605,690
 5,656,272
 5,795,967

A copy of each patent is enclosed.

DISCUSSION OF PATENTS

U.S. Patent No. 5,605,690 discloses using TNF antagonists to suppress TNF-dependent inflammatory diseases, such as arthritis. However, this reference does not disclose treating the specific neurological disorders claimed in the present application.

U.S. Patent No. 5,656,272 discloses using TNF antagonists to treat Crohn's disease. However, this reference does not disclose treating the specific neurological disorders claimed in the present application.

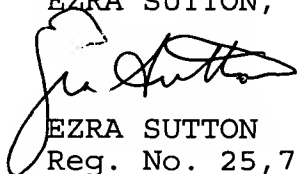
U.S. Patent No. 5,795,967 discloses using TNF antagonists to treat certain autoimmune diseases, such as arthritis, systemic lupus, and Crohn's disease. However, this reference does not disclose treating the specific neurological disorders claimed in the present application.

CONCLUSION

None of the prior art patents disclose or teach the specific subject matter recited in independent Claims 1 or 27, or render them obvious. Accordingly, this Petition should be granted.

Respectfully submitted,

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Enclosures